

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ANTHONY RAYE DAILEY §
VS. § CIVIL ACTION NO. 1:23-CV-10
ALBERT THOMAS, III, *et al.*, §

ORDER PARTIALLY ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Anthony Raye Dailey, a prisoner confined at FCI Beaumont Low, proceeding *pro se*, filed what appeared to be a civil rights action pursuant to 42 U.S.C. § 1983 against several defendants.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends dismissing the complaint pursuant to 28 U.S.C. § 1915(g) [Dkt. 3]. The Report and Recommendation gave Plaintiff thirty (30) days to pay the \$402.00 filing fee.

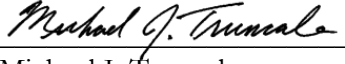
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections, which were liberally construed as a motion for extension of time to pay the full filing fee [Dkt. 6] which was granted [Dkt. 7]. Plaintiff then filed two other motions for extensions of time on June 2, 2023 [Dkt. 9], and July 10, 2023 [Dkt. 11], which were granted on June 5, 2023 [Dkt. 10], and July 12, 2023 [Dkt. 12], respectively. Plaintiff has yet to pay the full filing fee and, in fact, filed a Motion to Voluntarily Dismiss on August 7, 2023 [Dkt. 13]. A plaintiff has an absolute right to voluntarily dismiss his claims. FED. R. CIV. P. 41(a)(1).

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **PARTIALLY ADOPTED**. A final judgment will be entered

in accordance with the recommendations of the magistrate judge.

SIGNED this 11th day of September, 2023.



Michael J. Truncala
United States District Judge